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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,850	03/05/2002	Parashu Ram Singh	38512/43	9670

7590 10/31/2003

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CANADA

EXAMINER

WANG, SHENGJUN

ART UNIT PAPER NUMBER

1617

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/087,850

Applicant(s)

SINGH ET AL.

Examiner

Shengjun Wang

Art Unit

1617

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 30-62 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 30-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 and 52-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 and 30-51 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.
2. Applicant's election without traverse of invention group II, claim 15-29 in Paper No. 7 is acknowledged. Note newly added claims 52-62 read on the elected invention.

Claim Rejections 35 U.S.C. 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Ali (DE 196 47 100).
5. Ali teaches a method of protecting skin by applying topically an ointment comprising vitamin E and 10% of urea. See, the abstract, and column 1, line 59 to column 2, line 34.

Claim rejections 35 U.S.C. 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-18 and 52-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali (DE 196 47 100) in view of Hoffman et al (WO 86/00014, IDS), SaNogueira Jr. et al. (US

Art Unit: 1617

6,001,377), Murad (US 5,804,168), and Cohen et al. (US 5,876,736), and further in view of Raab (IDS).

8. Ali teaches a method of protecting skin by applying topically an ointment comprising vitamin E and 5-15% of urea. See, the abstract, and column 1, line 59 to column 2, line 34.

9. Ali does not teach expressly the employment of more than 15% of urea in the composition, and the other ingredients herein listed, such as the antioxidants.

10. However, Hoffman teaches a topical composition for protecting skin from UV damage comprising up to 40% of urea. See the entire document. SaNogueira Jr. et al. teaches antioxidants, such as vitamins E, C, and tea extracts, are particular useful for protecting skin from UV damage. See, particularly, column 34, lines 8-42. Murad teaches a method of protecting skin comprising topically applying a composition comprising sunscreen agents, such as zinc oxide, nutritional supplements, such as vitamins A, E, C and/or carotenoids. See, particularly, claims 20-21. Murad further teaches that quercetin, zinc, copper, selenium, etc, are also useful for skin protection. See, particularly, columns 6-7. Cohen et al. teaches the usefulness of antioxidant in skin protecting composition, and particularly teaches that green tea extract is an antioxidant agent. See, particularly, column 7, lines 26-41. Further, Raab teaches that urea is well known for its utilities in topical composition, the amount of urea may be in the range of 2% to 40%. See the entire documents.

Therefore, it would have been prima facie obvious to a person of ordinary skill in the art, at the time the claimed the invention was made, to apply a topical composition comprising up to 40% of urea, and various antioxidants, nutritional ingredients, such as vitamins A, E, C, and/or

Art Unit: 1617

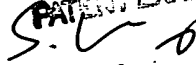
green tea extract, and other skin beneficial agents, such as quercetin, zinc, selenium, etc, for skin protection, particularly, from UV damage.

A person of ordinary skill in the art would have been motivated to apply a topical composition comprising up to 40% of urea, and various antioxidants, nutritional ingredients, such as vitamins A, E, C, and/or green tea extract, and other skin beneficial agents, such as quercetin, zinc, selenium, etc, for skin protection, particularly, from UV damage because urea is a well-known cosmetic and dermatological ingredients and are known to be employed in an amount up to 40%. Further, all the other ingredients recited herein are known to be useful for skin protection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shengjun Wang, Ph.D. whose telephone number is (703) 308-4554. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, can be reached on (703) 305-1877. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Patent Examiner
SHENGJUN WANG
PATENT EXAMINER

Shengjun Wang
October 27, 200